

The Honorable Michelle L. Peterson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

O'DONNELL/SALVATORI, INC., an Illinois
corporation,

Plaintiff/Counterclaim
Defendant,

v.

MICROSOFT CORPORATION, a Washington
corporation,

Defendant/Counterclaim
Plaintiff.

NO. 2:20-cv-00882-MLP

**DECLARATION OF MARK
LORBIECKI IN SUPPORT OF ODS'S
RESPONSE TO DEFENDANT
MICROSOFT CORPORATION'S
MOTION TO EXCLUDE EXPERT
TESTIMONY OF TIMOTHY
SALZMAN**

**NOTED ON MOTION CALENDAR:
February 25, 2022**

ORAL ARGUMENT REQUESTED

1. I am an attorney for Plaintiff/Counterclaim Defendant O'Donnell/Salvatori, Inc. ("ODS") in the above-entitled action. I make this declaration based on personal knowledge, am over the age of 18 and competent to testify.

1. Exhibit A is a true and accurate excerpted copy of the 30(b)(6) deposition of Microsoft indicating that Microsoft had used various of the ODS works to form new music which was not properly attributed to either of Michael Salvatori or Martin O'Donnell.

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SALZMAN - 1
(2:20-cv-00882-MLP)

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
(206) 628-6600

1 2. Attached hereto as Exhibit B is a true and correct copy of excerpts of the Joel
2 Yarger deposition.

3 3. Attached hereto as Exhibit C is a true and correct copy of excerpts of the Martin
4 O'Donnell deposition.

5 4. Attached hereto as Exhibit D is a true and correct copy of excerpts of the Michael
6 Salvatori deposition.

7 5. Attached hereto as Exhibit E is a true and correct copy of excerpts of the Paul
8 Lipson deposition.

9 6. Attached hereto as Exhibit F is a true and correct copy of excerpts of the Sotaro
10 Tojima deposition.

11 7. Attached hereto as Exhibit G is a true and correct copy of excerpts of the Thomas
12 Salta deposition.

13 8. Attached hereto as Exhibit H is a true and correct copy of excerpts of the Timothy
14 Salzman deposition.

15 9. THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY
16 KNOWLEDGE, SO STATED UNDER PENALTY OF PERJURY UNDER THE LAWS OF
17 THE STATE OF WASHINGTON AND THE UNITED STATES OF AMERICA.

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2 DATED this 11th day of February, 2022.
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4 s/ Mark Lawrence Lorbiecki

5 Mark Lawrence Lorbiecki, WSBA # 16796
6 **WILLIAMS, KASTNER & GIBBS PLLC**
7 601 Union Street, Suite 4100
8 Seattle, WA 98101-2380
9 Tel: (206) 628-6600
10 Fax: (206) 628-6611
11 Email: mlorbiecki@williamkastner.com

12 *Attorneys for Plaintiff/Counterclaim*
13 *Defendant O'Donnell/Salvatori, Inc.*
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